

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #9	CCRB Case #: 201701446	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/17/2017 4:26 PM	Location of Incident: In front of 1340 Sheridan Avenue; Inside the 44 Precinct stationhouse.	Precinct: 44	18 Mo. SOL 8/17/2018	EO SOL 8/17/2018	
Date/Time CV Reported Thu, 02/23/2017 3:15 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/23/2017 3:15 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Wilfredo Benitez	15506	947459	044 PCT
2. SSA Kevin Grayson	02293	921393	044 PCT
3. POM Marc Oconnor	31777	953191	044 PCT
4. POM Carlos Morales	26314	922823	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Wilfredo Benitez	Abuse: In front of 1340 Sheridan Avenue in the Bronx, Detective Wilfredo Benitez stopped § 87(2)(b) and § 87(2)(b)	
B.POM Marc Oconnor	Abuse: In front of 1340 Sheridan Avenue in the Bronx, Police Officer Marc Oconnor stopped § 87(2)(b) and § 87(2)(b)	
C.POM Wilfredo Benitez	Force: In front of 1340 Sheridan Avenue in the Bronx, Detective Wilfredo Benitez pointed his gun at § 87(2)(b)	
D.POM Marc Oconnor	Force: In front of 1340 Sheridan Avenue in the Bronx, Police Officer Marc Oconnor pointed his gun at § 87(2)(b)	
E.POM Marc Oconnor	Force: In front of 1340 Sheridan Avenue in the Bronx, Police Officer Marc Oconnor pointed his gun at § 87(2)(b)	
F.POM Wilfredo Benitez	Discourtesy: In front of 1340 Sheridan Avenue in the Bronx, Detective Wilfredo Benitez spoke discourteously to § 87(2)(b) and § 87(2)(b)	
G.SSA Kevin Grayson	Discourtesy: In front of 1340 Sheridan Avenue in the Bronx, Sergeant Kevin Grayson spoke discourteously to § 87(2)(b) and § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.POM Wilfredo Benitez	Off. Language: In front of 1340 Sheridan Avenue in the Bronx, Detective Wilfredo Benitez made remarks to § 87(2)(b) based on immigration status.	
I.POM Marc Oconnor	Discourtesy: Inside the 44th Precinct stationhouse in the Bronx, Police Officer Marc Oconnor acted discourteously toward § 87(2)(b)	
J.POM Wilfredo Benitez	Abuse: Inside the 44th Precinct stationhouse in the Bronx, Detective Wilfredo Benitez threatened to arrest § 87(2)(b)	
K.POM Carlos Morales	Off. Language: Inside the 44th Precinct stationhouse in the Bronx, Police Officer Carlos Morales made remarks to § 87(2)(b) based upon race.	
	§ 87(4-b), § 87(2)(g)	

Case Summary

On February 23, 2017, § 87(2)(b) filed this complaint with the CCRB via telephone.

On February 17, 2017 at approximately 4:26 p.m., § 87(2)(b) and § 87(2)(b) were eating in front of P.S. XO88, a public school located at 1340 Sheridan Avenue in the Bronx. The four men were approached by Detective Wilfredo Benitez (who at the time of this incident held the rank of Police Officer) and PO Marc Oconnor followed closely by Sergeant Kevin Grayson, all of the 44 Precinct. Det. Benitez ordered the four men not to move and to “get on the wall” (**Allegations A and B**). Det. Benitez allegedly pointed his gun at § 87(2)(b) and PO Oconnor allegedly pointed his gun at § 87(2)(b) and § 87(2)(b) (**Allegations C – E**). Det. Benitez allegedly ordered the men to “get on the fucking floor,” and Sgt. Grayson allegedly ordered the men to “get on the fucking ground” (**Allegations F and G**). Det. Benitez allegedly said to § 87(2)(b) “you an immigrant. You shouldn’t even be here. You know who’s President?” (**Allegation H**). The officers arrested the four men and transported them to the 44 Precinct stationhouse. While preparing § 87(2)(b) to be placed in a holding cell, PO Oconnor allegedly kicked § 87(2)(b) s doffed sneakers (**Allegation I**). While the men were in the holding cell, Det. Benitez allegedly approached § 87(2)(b) and said, “every time I see you outside I’m gonna lock you up” (**Allegation J**). While the men were in the holding cell, Police Officer Carlos Morales allegedly approached § 87(2)(b) and called him a “black shit” (**Allegation K**). § 87(2)(g), § 87(4-b) § 87(2)(b) and § 87(2)(b) were charged with criminal trespass and transferred to Bronx Central Booking, § 87(2)(b) was charged with criminal trespass and possession of marijuana and transferred to Bronx Central Booking, and § 87(2)(b) was charged with criminal trespass and released with a Desk Appearance Ticket.

There is no video footage of this incident.

Investigation of this case surpassed 90 days due to the number of victims and witnesses involved.

Mediation, Civil and Criminal Histories

- This case was deemed ineligible for mediation due to the arrests of § 87(2)(b) and § 87(2)(b)
- § 87(2)(b) and § 87(2)(b) have each filed a Notice of Claim against the New York City Police Department seeking an undisclosed amount in monetary damages for “police brutality, false arrest, false imprisonment, malicious prosecution and violation of civil rights” (Board Review 01, Board Review 02).

- § 87(2)(b)

§ 87(2)(b)

- § 87(2)(b)

- § 87(2)(b)

- Over the past ten years, § 87(2)(b) has received no criminal convictions in New York City (Board Review 06).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) or § 87(2)(b) was involved (Board Review 07, Board Review 08, Board Review 09, Board Review 10).
- Det. Benitez has been a member of the NYPD for eight years and has 12 prior CCRB allegations involving nine cases with no substantiated allegations (Board Review 11).
 - In case 201211813, Det. Benitez was alleged to have used the word “fuck” twice while speaking to a man who he was placing under arrest. This allegation was closed as unsubstantiated.
 - In case 201305988, Det. Benitez was alleged to have used the word “fuck” once while speaking to a civilian who was filming Det. Benitez in the act of arresting a second civilian. This allegation was closed as unfounded.
 - In case 201309098, Det. Benitez was alleged to have used the word “fuck” once while speaking to a man who he was placing under arrest. This allegation was closed as complainant uncooperative.
 - In case 201501251, Det. Benitez was alleged to have used the word “fuck” three times while speaking to a man who he was placing under arrest. This allegation was closed as unsubstantiated.
- Sgt. Grayson has been a member of the NYPD for 18 years and has 13 prior CCRB allegations involving seven cases with no substantiated allegations (Board Review 12).

- In case 201507510, Sgt. Grayson was alleged to have used the word “fuck” twice while speaking to a man who he was placing under arrest. This allegation was closed as unfounded.
- PO Marc Oconnor has been a member of the NYPD for four years and has two prior CCRB allegations involving two cases with no substantiated allegations. Neither of these allegations indicate a pattern relevant to this case (Board Review 13).
- PO Carlos Morales has been a member of the NYPD for 18 years and has five prior CCRB allegations involving five allegations with no substantiated allegations (Board Review 14).
 - In case 2007707836, PO Morales was alleged to have used the word “shit” twice while speaking to a man to whom he was issuing a summons. This allegation was closed as unsubstantiated.

Potential Issues

- In his statement to the CCRB, § 87(2)(b) identified a total of four men who were with him when the group was approached by the officers: § 87(2)(b) and § 87(2)(b). Of these, § 87(2)(b) stated that all were stopped with the exception of § 87(2)(b) who Det. Benitez allegedly told to leave the scene. Only one of these men, § 87(2)(b) was ultimately interviewed by the CCRB. The remaining witnesses and victims could not be interviewed for the following reasons:
 - When contacted via telephone, § 87(2)(b) stated that he suffered from amnesia due to a recent seizure and was unable to recall this incident.
 - The undersigned spoke to § 87(2)(b) on three separate occasions and obtained two detailed telephone statements; however, § 87(2)(b) failed to appear for three successively scheduled interviews without advance notice and was therefore deemed uncooperative with the investigation.
 - None of the victims and witnesses contacted by the investigation was able to provide contact information for § 87(2)(b) and database searches failed to yield a working telephone number for this individual. The undersigned sent multiple letters to several addresses associated with § 87(2)(b) by database searches and police documentation requesting that he call the undersigned. However, § 87(2)(b) never contacted the CCRB to provide a statement.

Findings and Recommendations

Explanation of Subject Officer Identification

- In his statement to the CCRB, Det. Benitez stated that on the date of this incident he was partnered with Police Officer Corey Graves, rather than with PO Oconnor. Det. Benitez stated that, although he had previously worked with PO Oconnor, this officer had been transferred to Field Intelligence prior to February 17, 2017 and did not play any role in the apprehension and processing of § 87(2)(b) or § 87(2)(b). Det. Benitez’s own memo book from the date of the incident, as well as the 44

Precinct Roll Call from the relevant tour, however, indicate that PO Oconnor was partnered with Det. Benitez on February 17, 2017 (Board Review 15, Board Review 16). In his sworn statement to the CCRB, PO Oconnor acknowledged assisting Det. Benitez in apprehending § 87(2)(b) and § 87(2)(b). The investigation has therefore determined, despite Det. Benitez's statement, that PO Oconnor participated in this incident. Allegations A, C, F, H, and J are correspondingly pleaded against Det. Benitez, while allegations B, D, E, I, and L are pleaded against PO Oconnor.

Allegations not pleaded

- **Abuse of Authority: Frisk.** In his sworn statement to the CCRB, § 87(2)(b) alleged that Det. Benitez and PO Oconnor conducted frisks of himself upon first approaching them. When asked about this allegation, Det. Benitez acknowledged frisking § 87(2)(b) while PO Oconnor stated that he did not recall whether he frisked anyone. § 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b). Therefore, this allegation is not being pleaded.
- **Abuse of Authority: Search.** In his sworn statement to the CCRB, § 87(2)(b) alleged that Det. Benitez searched his pockets immediately after frisking him at the front of the school. § 87(2)(b) further alleged that, at this time, Det. Benitez conducted a search of § 87(2)(b)'s pockets, and that PO Oconnor conducted additional searches of his own and § 87(2)(b)'s pockets. In his own sworn statement to the CCRB, § 87(2)(b) alleged that PO Oconnor searched his pockets at this time. § 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b). Therefore, this allegation is not being pleaded.
- **Abuse of Authority: Strip Search.** In his sworn statement to the CCRB, § 87(2)(b) stated that PO Oconnor searched his person prior to placing him inside a holding cell inside the 44 Precinct stationhouse. § 87(2)(b) alleged that, during this search, PO Oconnor reached inside his pants and made contact skin-to-skin contact with § 87(2)(b)'s genitals. Because § 87(2)(b) did not allege that he was disrobed during this search or that his undergarments were exposed, the investigation determined that this alleged search did not constitute a strip search. This allegation was forwarded to the NYPD's Internal Affairs Bureau as a spin-off for sexual misconduct under CCRB case number 201702065.
- **Abuse of Authority: Property Damage.** In his statement to the CCRB, § 87(2)(b) stated that, while officers were preparing him to be placed in a holding cell at the 44 Precinct stationhouse, an officer (who the investigation determined to be Det. Benitez) cut the waistband string of his sweatpants. In his statement to the CCRB, Det. Benitez stated that it was necessary to cut this string to remove it from § 87(2)(b)'s waistband, as department

policy does not permit civilians to bring strings into holding cells. As Det. Benitez's action conformed to NYPD Patrol Guide Procedure 210-08, which states that, prior to placing a detainee in a holding cell, "Belts, neckties, shoelaces, and clothing items such as jackets, overcoats, or other similar outer garments shall be removed and stored temporarily where they will not be accessible to the prisoner" (Board Review 17). Therefore, this allegation is not being pleaded.

Allegation A – Abuse of Authority: In front of 1340 Sheridan Avenue in the Bronx, Detective Wilfredo Benitez stopped § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

Allegation B – Abuse of Authority: In front of 1340 Sheridan Avenue in the Bronx, Police Officer Marc Oconnor stopped § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

In his sworn statement to the CCRB, § 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) were walking on the sidewalk in front of P.S. XO88, while § 87(2)(b) was walking on the sidewalk on the opposite side of the street, immediately prior to being approached by Det. Benitez, Sgt. Grayson, and PO Oconnor. § 87(2)(b) denied that the group stopped walking in front of the school, and denied that any of the men passed through the white gate that separated the sidewalk from the school courtyard. § 87(2)(b) stated that the men were simply walking past the building when Det. Benitez ordered them to "get on the wall."

In his sworn statement to the CCRB, § 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) walked through the white gate that separated the school courtyard from the sidewalk, entering school property. § 87(2)(b) further stated that the men stood in this area for approximately eight minutes while talking to one another. They were then approached by Det. Benitez, who said "don't move, don't run."

In two telephone statements to the CCRB, § 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) were walking past the white gate leading into the school courtyard when they were approached by Det. Benitez, PO Oconnor, and an unidentified officer. § 87(2)(b) stated that Det. Benitez placed his hands on his chest and pushed him through the gate onto the school grounds.

In a telephone statement to the CCRB, § 87(2)(b) (the § 87(2)(b)) reported that she telephoned Det. Benitez directly to inform him that there was a group of young men inside the school courtyard. § 87(2)(b) was unable to recall if she described the men to Det. Benitez or if she gave him any additional information. Three of the men, one of whom she believed to have been wearing yellow, were inside the courtyard when Det. Benitez arrived on scene.

In his statement to the CCRB, Det. Benitez stated that he received a call from § 87(2)(b) informing him that there were four male individuals trespassing in the school courtyard. At 4:21 p.m., Det. Benitez also received a text message from § 87(2)(b) containing the message “there are three now” and a photograph of three male individuals. Det. Benitez showed this photograph to the undersigned during his interview, and the image clearly shows three male individuals, including one wearing a yellow hood and a second wearing a black sweatshirt and a white hat, standing inside the school courtyard. Det. Benitez further stated that, when he arrived on scene, § 87(2)(b) and § 87(2)(b) were standing in the same location as the men who appeared in § 87(2)(b)'s photograph. According to Det. Benitez, the men's presence in this area constituted a violation, and he immediately approached them and ordered them to show their hands.

PO Oconnor's statement was generally consistent with that provided by Det. Benitez. Sgt. Grayson stated that he was not present when Det. Benitez and PO Oconnor first approached the men, but that § 87(2)(b) and § 87(2)(b) were inside the courtyard with the two officers when he approached.

New York State Penal Law 140.05 states that a person is guilty of Trespass when he “enters [remains] UNLAWFULLY in or upon premises when that person has no license or privilege to enter [remain] in or upon such premises” (Board Review 18).

§ 87(2)(b), § 87(2)(g)

Allegation C – Force: In front of 1340 Sheridan Avenue in the Bronx, Detective Wilfredo Benitez pointed his gun at § 87(2)(b)

Allegation D – Force: In front of 1340 Sheridan Avenue in the Bronx, Police Officer Marc Oconnor pointed his gun at § 87(2)(b)

Allegation E – Force: In front of 1340 Sheridan Avenue in the Bronx, Police Officer Marc Oconnor pointed his gun at § 87(2)(b)

In his sworn statement to the CCRB, § 87(2)(b) alleged that Det. Benitez and PO Oconnor immediately drew their guns upon approaching him, § 87(2)(b) and § 87(2)(b) further stated that Det. Benitez approached him and pressed the mouth of

his gun against § 87(2)(b)'s forehead, while PO Oconnor pointed his gun directly at § 87(2)(b) and § 87(2)(b).

In two telephone statements to the CCRB, § 87(2)(b) stated that Det. Benitez, PO Oconnor, and an unidentified officer approached the men with their guns drawn. § 87(2)(b) further stated that Det. Benitez and the unidentified officer pointed their guns directly at him.

In his sworn statement to the CCRB, § 87(2)(b) stated that Det. Benitez and PO Oconnor's guns were holstered when they first approached the group in the courtyard. § 87(2)(b) stated that no officer drew his gun at any point in the incident.

In a telephone statement to the CCRB, § 87(2)(b) stated that she did not witness any of the officers' interactions with the men trespassing in the school courtyard.

In their statements to the CCRB, both Det. Benitez and PO Oconnor denied drawing their guns at any point during this incident. Det. Benitez denied pointing his gun at § 87(2)(b) and PO Oconnor denied pointing his gun at either § 87(2)(b) or § 87(2)(b).

In his statement to the CCRB, Sgt. Grayson stated that he arrived on scene after Det. Benitez and PO Oconnor had approached § 87(2)(b) and § 87(2)(b). Sgt. Grayson stated that he did not see any officer draw his gun, and that he did not do so himself.

§ 87(2)(b), § 87(2)(g)

Allegation F – Discourtesy: In front of 1340 Sheridan Avenue in the Bronx, Detective Wilfredo Benitez spoke discourteously to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

Allegation G – Discourtesy: In front of 1340 Sheridan Avenue in the Bronx, Sergeant Kevin Grayson spoke discourteously to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

In his sworn statement to the CCRB, § 87(2)(b) alleged that, immediately after Det. Benitez ordered himself, § 87(2)(b) and § 87(2)(b) to “get on the wall,” Sgt. Grayson said, “get on the fucking ground.”

In his sworn statement to the CCRB, § 87(2)(b) alleged that Det. Benitez approached the men and said “don’t move, don’t run” and “get on the fucking floor.” § 87(2)(b) further stated that no officer used profanity at any other time.

In two telephone statements to the CCRB, § 87(2)(b) reported that Sgt. Grayson arrived on scene some minutes after Det. Benitez, PO Oconnor, and an unidentified officer apprehended himself, § 87(2)(b) and § 87(2)(b) reported that Sgt. Grayson said, “you motherfuckers going to jail.” § 87(2)(b) could not recall whether any officer used profanity at any other time.

In his statement to the CCRB, Det. Benitez denied saying, “get on the fucking ground,” or using any other profanity during this incident. Det. Benitez further stated that he did not hear Sgt. Grayson say, “get on the fucking floor” or use any other profanity during this incident.

In his statement to the CCRB, PO Oconnor stated that Det. Benitez did not say “get on the fucking ground” or use any other profanity when approaching § 87(2)(b) and § 87(2)(b) PO Oconnor further stated that Sgt. Grayson did not say “get on the fucking floor” or use any other profanity when approaching § 87(2)(b) and § 87(2)(b).

In his statement to the CCRB, Sgt. Grayson denied saying, “get on the fucking ground” or using any other profanity. Sgt. Grayson further stated that he did not hear Det. Benitez say “get on the fucking floor” or use any other profanity.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b).

Allegation H – Offensive Language: In front of 1340 Sheridan Avenue in the Bronx, Detective Wilfredo Benitez made remarks to § 87(2)(b) based on immigration status.

In his sworn statement to the CCRB, § 87(2)(b) stated that, after Det. Benitez handcuffed him, he asked why he was being arrested. § 87(2)(b) alleged that Det. Benitez replied, “you an immigrant—you shouldn’t even be here. You know who’s President?”

In his sworn statement to the CCRB, § 87(2)(b) stated that he could not recall whether any officer made any reference to the immigration status of himself, § 87(2)(b) or § 87(2)(b) at any time.

In a telephone statement to the CCRB, § 87(2)(b) stated that, while they were speaking to the officers outside P.S. X088, Det. Benitez told him, § 87(2)(b) and § 87(2)(b) that they were immigrants and should not be “in the area.”

In his statement to the CCRB, Det. Benitez denied making any reference to § 87(2)(b)'s immigration status, and specifically denied saying, “you an immigrant—you shouldn’t even be here. You know who’s President?”

In their statements to the CCRB, Sgt. Grayson and PO Oconnor both denied hearing Det. Benitez make reference to the immigration status of § 87(2)(b) or § 87(2)(b). Both specifically denied hearing Det. Benitez say, “you an immigrant—you shouldn’t even be here. You know who’s President?”

§ 87(2)(b), § 87(2)(g)

Allegation I – Discourtesy: Inside the 44 Precinct Stationhouse in the Bronx, Police Officer Marc Oconnor acted discourteously towards § 87(2)(b)

In his sworn statement to the CCRB, § 87(2)(b) stated that PO Oconnor prepared him to be placed in a holding cell inside the 44 Precinct stationhouse by conducting a thorough search of his person and removing strings from his garments. As a part of this process, § 87(2)(b) removed his sneakers. § 87(2)(b) alleged that, in front of the holding cell, PO Oconnor kicked his doffed sneakers in the direction of a printer located on the opposite side of the room.

In his sworn statement to the CCRB, § 87(2)(b) alleged that, after § 87(2)(b) removed his sneakers in front of a holding cell at the 44 Precinct stationhouse, PO Oconnor kicked them in the direction of a shelf located on the opposite side of the room.

In a telephone statement to the CCRB, § 87(2)(b) stated that he did not pay attention to § 87(2)(b) as this individual was being prepared to enter the holding cell.

In his statement to the CCRB, PO Oconnor stated that he escorted § 87(2)(b) and § 87(2)(b) to the 44 Precinct stationhouse and then left them at the desk to be processed by Det. Benitez. PO Oconnor stated that he went to the Special Operations office at this time and performed administrative duties for the remainder of his tour. PO Oconnor stated that he did not participate in or witness any search of § 87(2)(b) prior to his being placed in a holding cell. PO Oconnor specifically denied kicking § 87(2)(b)'s doffed sneakers.

In his statement to the CCRB, Det. Benitez stated that he was the only officer who prepared § 87(2)(b) to be placed in a holding cell at the 44 Precinct stationhouse. Det. Benitez further stated that he could not recall whether PO Oconnor was present at the stationhouse at this time. Det. Benitez specifically denied kicking § 87(2)(b)s doffed sneakers, and he denied seeing any other officer do so.

In his statement to the CCRB, Sgt. Grayson stated that he observed both Det. Benitez and PO Oconnor prepare § 87(2)(b) and § 87(2)(b) to be placed in a holding cell inside the 44 Precinct stationhouse. Sgt. Grayson stated that he did not see PO Oconnor kick the doffed shoes of any of these individuals.

§ 87(2)(b), § 87(2)(g)

Allegation J – Abuse of Authority: Inside the 44 Precinct Stationhouse in the Bronx, Detective Wilfredo Benitez threatened to arrest § 87(2)(b)

In his sworn statement to the CCRB, § 87(2)(b) stated that, some hours after he, § 87(2)(b) and § 87(2)(b) had been placed in a holding cell inside the 44 Precinct stationhouse, Det. Benitez came to the cell to speak to them. § 87(2)(b) stated that Det. Benitez informed § 87(2)(b) that he would be released with a Desk Appearance Ticket. § 87(2)(b) alleged that, at this time, Det. Benitez told him, “every time I see you outside, I’m gonna lock you up.”

In his sworn statement to the CCRB, § 87(2)(b) stated that, some hours after he, § 87(2)(b) and § 87(2)(b) were placed in a holding cell inside the 44 Precinct stationhouse, an unidentified officer came to the holding cell and spoke to the men. § 87(2)(b) stated that the officer told the men that they would “always... end up here” and would not “make anything” of their lives. § 87(2)(b) stated that he could not remember any other officer making remarks about any individual being arrested on a future date.

In a telephone statement to the CCRB, § 87(2)(b) stated that PO Benitez and § 87(2)(b) exchanged insults while § 87(2)(b) was inside a holding cell inside the 44 Precinct stationhouse. § 87(2)(b) stated that he could recall what was said in any conversation between Det. Benitez and § 87(2)(b)

In his statement to the CCRB, Det. Benitez denied having any conversation with § 87(2)(b) about the possibility of § 87(2)(b) being arrested in the future. Det. Benitez specifically denied telling § 87(2)(b) “every time I see you outside, I’m gonna lock you up.”

In their statements to the CCRB, both Sgt. Grayson and PO Oconnor stated that they did not hear Det. Benitez have any conversation with § 87(2)(b) about the possibility of him being arrested on a future date, and both specifically stated that they did not hear Det. Benitez say “every time I see you outside, I’m gonna lock you up.”

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Allegation K – Offensive Language: Inside the 44 Precinct Stationhouse in the Bronx, Police Officer Carlos Morales made remarks to § 87(2)(b) based on race.

In his sworn statement to the CCRB, § 87(2)(b) stated that PO Morales spoke to § 87(2)(b) and § 87(2)(b) some hours after they were placed in the precinct holding cell. § 87(2)(b) alleged that, during this conversation, PO Morales called § 87(2)(b) a “black shit.”

In his sworn statement to the CCRB, § 87(2)(b) did not recall any officer using the phrase “black shit” at any point.

In two telephone statements to the CCRB, § 87(2)(b) stated that, between one and two hours after § 87(2)(b) was released, PO Morales spoke to him, § 87(2)(b) and § 87(2)(b) while they were in a holding cell. § 87(2)(b) stated that PO Morales called him a “fucking pussy.”

Det. Benitez, Sgt. Grayson, and PO Oconnor all stated that they did not see PO Morales interact with § 87(2)(b) or § 87(2)(b) at any point, and all stated that they did not hear PO Morales call § 87(2)(b) a “black shit.”

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(4-b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 9

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date